

March 20, 2016

Letter of Appeal  
Ms. Marlene H. Dortch  
Federal Communication Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RE: In the Matter of Request for Review of the Universal Service Administrator, Schools  
and Libraries Universal Service Support Mechanism.  
CC Docket No.02-6

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In re: Community Seneca Family of Agencies  
Billed Entity Number: 16068967  
Appellant: E rate Solutions Group  
Fund Year: 2015 FCC Form 471:1043202

Appeal Decision Postmark Date March 16, 2016

This is a "Letter of Appeal" for Form 471 Application 1043202 with associated FRN's: 2844362, 2844373,  
2844397, 2844407, 2844427, 2844441, 2844458

BEN and contact information:

Appellant Name:

Katherine Weiss, Authorized Representative  
Email: kweiss@erategroup.com  
Phone: 732-946-8300  
Fax: 732-879-0400

Applicant Name & BEN:

Name: **SENECA FAMILY OF AGENCIES**  
BEN: **16068967**

471 Reference & Funding Year:

Form 471: 1043202  
Funding Year: 2015

471 – 1043202

FRN Information:

Funding Request Number: 2844362  
Service Provider: Comcast Business Communications  
SPIN: 143003990

471 – 1043202  
FRN Information:  
Funding Request Number: 2844373  
Service Provider: Pacific Bell Telephone Company  
SPIN: 143002665

471 – 1043202  
FRN Information:  
Funding Request Number: 2844397  
Service Provider: Verizon Wireless (Cellco Partnership)  
SPIN: 143000677

471 – 1043202  
FRN Information:  
Funding Request Number: 2844407  
Service Provider: U.S. TelePacific Corp.  
SPIN: 143020136

471 – 1043202  
FRN Information:  
Funding Request Number: 2844427  
Service Provider: U.S. TelePacific Corp  
SPIN: 143020136

471 – 1043202  
FRN Information:  
Funding Request Number: 2844441  
Service Provider: Birch Telecom, Inc.  
SPIN: 143001254

471 – 1043202  
FRN Information:  
Funding Request Number: 2844458  
Service Provider: Birch Telecom, Inc.  
SPIN: 143001254

Dear Ms. Dortch:

Information was submitted during the Appeal review to show how the school was able to show actual participation in the Medicaid program which is an alternative measure of the level of poverty. Additional information was available to show result via the survey method see enclosed.

Specific Concerns in reference to this application: Several telephone calls were placed with/to reviewer to discuss documentation that shows participation in Medicaid – initial calls were initiated by reviewer. The documentation submitted was the verification of eligibility not just the survey that was also completed. The information that was submitted actually went a step further than the survey in that it was actual verification of the correctness of the information in the survey. This is analogous to the acceptance of a monthly NSLP voucher as it is proof of the NSLP results. The reviewer and I traded telephone call which led to confusion surrounding requirements and timelines. As per the enclosed email, the application was processed while we were playing telephone tag. I was unaware that the application would be processed while I was in communication with the reviewer and the email correspondence on March 7 did not address the due date as the reviewer was checking with management regarding the acceptance of the

information that was submitted. The reviewer and I discussed, via email and phone, the fact that information deemed existing sources is also an acceptable measures. Therefore this appeal should be reconsidered with the enclosed information.

A reconsideration and reversal of the denial of this funding decision is sought to change the discount level to 90%.

I believe that the intent of the program is to make sure all eligible schools and libraries receive phone, internet access and internal networking equipment maintenance services as well as internal networking equipment. This school should not be penalized due to any delays in providing requested information which was beyond their control. I sincerely hope that this material will be reviewed and the application reviewed on the information previously provided.

Thank you,  
*Katherine M. Weiss*  
Consultant

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March 18, 2016

Letter of Appeal  
Schools & Libraries Division – Correspondence Unit  
100 South Jefferson Rd  
PO Box 902  
Whippany, NJ 07981

Appeal Reviewer:

REVISED LETTER

This is a "Letter of Appeal" for Form 471 Application 1043202 with associated FRN's: 2844362, 2844373, 2844397, 2844407, 2844427, 2844441, 2844458

Case # 22- 887422

BEN and contact information:

Appellant Name:

Katherine Weiss, Authorized Representative  
Email: kweiss@erategroup.com  
Phone: 732-946-8300  
Fax: 732-879-0400

Applicant Name & BEN:

Name: **SENECA FAMILY OF AGENCIES**  
BEN: **16068967**

471 Reference & Funding Year:

Form 471: 1043202  
Funding Year: 2015

Text of Funding Commitment Decision Explanation: **RFCDL not issues yet**

The FRN references a FCC Form 470 which has not been certified by the applicant. This is a violation of the competitive bidding Program rules. The FCC Form 470 Certification page must be completed to certify the entity's compliance with all Program rules.

Discount level was reduced to 20% and sites were not validated as a school.

Reason for Appeal and Documentation:

Information was submitted during the Appeal review to show how the school was able to show actual participation in the Medicaid program which is an alternative measure of the level of poverty. Additional information was available to show result via the survey metho see enclosed.

Specific Concerns in reference to this application: Several telephone calls were placed with/to reviewer to discuss documentation that shows participation in Medicaid – initial calls were initiated by reviewer. The documentation submitted was the verification of eligibility not just the survey that was also completed. The information that was submitted actually went a step further than the survey in that it was actual verification of the correctness of the information in the survey. This is analogous to the acceptance of a monthly NSLP voucher as it is proof of the NSLP results. The reviewer and I traded telephone call which led to confusion surrounding requirements and timelines. As per the enclosed email, the application was processed while we were playing telephone tag. I was unaware that the application would be processed while I was in communication with the reviewer and the email correspondence on March 7 did not address the due date as the reviewer was checking with management regarding the acceptance of the information that was submitted. The reviewer and I discussed, via email and phone, the fact that



information deemed existing sources is also an acceptable measures. Therefore this appeal should be reconsidered with the enclosed information.

471 – 1043202

FRN Information:

Funding Request Number: 2844362

Service Provider: Comcast Business Communications

SPIN: 143003990

471 – 1043202

FRN Information:

Funding Request Number: 2844373

Service Provider: Pacific Bell Telephone Company

SPIN: 143002665

471 – 1043202

FRN Information:

Funding Request Number: 2844397

Service Provider: Verizon Wireless (Cellco Partnership)

SPIN: 143000677

471 – 1043202

FRN Information:

Funding Request Number: 2844407

Service Provider: U.S. TelePacific Corp.

SPIN: 143020136

471 – 1043202

FRN Information:

Funding Request Number: 2844427

Service Provider: U.S. TelePacific Corp

SPIN: 143020136

471 – 1043202

FRN Information:

Funding Request Number: 2844441

Service Provider: Birch Telecom, Inc.

SPIN: 143001254

471 – 1043202

FRN Information:

Funding Request Number: 2844458

Service Provider: Birch Telecom, Inc.

SPIN: 143001254

A reconsideration and reversal of the denial of this funding decision is sought to change the discount level to 90%.

I believe that the intent of the program is to make sure all eligible schools and libraries receive phone, internet access and internal networking equipment maintenance services as well as internal networking equipment. This school should not be penalized due to any delays in providing requested information which was beyond their control. I sincerely hope that this material will be reviewed and the application reviewed on the information previously provided.

Thank you,

*Katherine M. Weiss*  
Consultant



January 5, 2016

**PIA Reviewer**

Program Reviewer

Schools and Libraries Division

Our School has used the SLD approved alternative discount measures to qualify students for the discount level requested. The survey method was used as stated on the SLD web page:

<http://www.usac.org/sl/applications/steps05/alternative-discount-mechanisms.aspx>

The following acceptable alternatives measures of were used to determine eligibility:

A. Family income level at or below 185% of the federal poverty guideline.

• **Number of Students at/or below = 0**

B. Participation in one or more of the following programs: This is an unduplicated count – if a student qualified in more than one area, only one area is listed below.

- **Medicaid = 153 students**
- **Food stamps = 0 students**
- **Supplementary Security Income (SSI) = 0 students**

Based upon the criteria above, the student information is:

1. Total # of students enrolled: 178
2. Total # of Surveys/Applications Sent: 178
3. Total # of Surveys/Applications returned/available: 178
4. Total # of students Eligible by above Criteria: 153
5. Are the results kept on file: Yes
6. Data from student records was used to determine the eligibility by the above criteria.

School	Entity	Enroll	Eligible
JBA	109078	84	68
Catalyst	16084391	21	21
Bldg Blocks	16068940	18	18
Pathfinder	16069471	30	21
Olivera	16084390	25	25
	<b>TOTAL</b>	<b>178</b>	<b>153</b>

Entity Number: 16068967

Numbers eligible are based upon actual numbers, not an extrapolation of percentages based upon data returned.  
Certification Statement:

**"I certify that only those students who meet the Income Eligibility Guidelines of the National School Lunch Program or that only those students who meet the Eligibility Guidelines of the Medicaid Program have been included in Column 5 of Item 9a, of Block 4 (Worksheet A) of the Form 471. The supporting documentation is kept on file."**

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Rivera". The signature is fluid and cursive, with a large initial "J" and "R".

Jason Rivera  
Division Director



Date: 3/1/2015

Dear Parent:

As part of our ongoing efforts to receive maximum financial assistance from all sources, we ask you to fill out and return this survey. By filling out this survey, you will help our school in receiving funding that is available to purchase telephone and computer equipment and services.

Help us expand our technology abilities to teach all students. For us to receive this funding, your participation is a requirement. If we do not receive the returned surveys, we will not be able to apply for the available funding, so please take the time to fill out the survey and return it to the school office within the next week.

All information provided is completely "Confidential" All information on this survey is kept confidential and will only be used for this application process. This information will not be shared with any other entities without your prior consent. Please include your children's name and your family name on the survey.

#### SURVEY

Student Name:

[REDACTED]

Family Name:

[REDACTED]

Family Address:

[REDACTED]

Street Number & Name

Berkeley

City

CA

State

94710

Zip Code

**Step One:** Please indicate your family size at this address: 2

**Step Two:** Is your family's income equal to or less than the annual income listed below for your family size?  
Yes X No \_\_\_\_\_

Family Size	1	2	3	4	5	6	7	8
Annual Income	\$21,775	\$29,471	\$37,167	\$44,863	\$52,559	\$60,255	\$67,951	\$75,647

\* For each additional family member add \$7,696 to the annual income.

**Step Three:** Place an X on the line for all True statements otherwise leave BLANK.

- A. X Our family qualifies for (or receives) Medicaid
- B. X Our family qualifies for (or receives) Food Stamps
- C. X Our family qualifies for (or receives) Supplementary Security Income (SSI)
- D. X Our family qualifies for Federal Housing Assistance or Section 8
- E. \_\_\_\_\_ Our family qualifies for the Low Income Energy Assistance Program
- F. \_\_\_\_\_ Our family does not qualify for any item in Step Three above.

**Step Four:** For all children in the household, indicate the appropriate grade level.

Student 1: Grade Level 4th

Student 3: Grade Level \_\_\_\_\_

Student 2: Grade Level \_\_\_\_\_

Student 4: Grade Level \_\_\_\_\_



Home » Transaction Services

## Eligibility Response

Eligibility transaction performed by provider: 000008118  
on Thursday, February 25, 2016 at 10:35:17 AM



Name: [REDACTED]		
Subscriber ID: [REDACTED]		
Service Date: 02/01/2016	Subscriber Birth Date: [REDACTED]	Issue Date: 02/25/2016
Primary Aid Code:		First Special Aid Code: 4T
Second Special Aid Code:		Third Special Aid Code:
Subscriber County: 01 - Alameda		HIC Number:
Trace Number (Eligibility Verification Confirmation (EVC) Number): 935L1G10D4		
Eligibility Message: SUBSCRIBER LAST NAME: [REDACTED]. EVC #: 935L1G10D4. CNTY CODE: 01. 1ST SPECIAL AID CODE: 4T. MEDI-CAL ELIGIBLE W/ NO SOC/SPEND DOWN.		

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Server: www.medi-cal.ca.gov | File: /Eligibility/EligResp.asp | Last Modified: 1/23/2015 2:24:28 PM

**From:** "Kharva, Keyur" <keyur.kharva@sl.universalservice.org>  
**To:** Katherine M. Weiss <kweiss@erategroup.com>  
**Sent:** Monday, March 7, 2016 10:07 AM  
**Subject:** RE: App 1043202 - SENECA FAMILY OF AGENCIES - Reminder

Hello Mr. Weiss,

I tried calling you this morning and left a voice message. Please call me today.

Thank you,

**Keyur Kharva**

**Associate Case Manager – SLP Appeals**

T: 800.200.0818 ext. 7581 | Direct: 973.581.7581 | F: 973.599.6525

[Keyur.Kharva@sl.universalservice.org](mailto:Keyur.Kharva@sl.universalservice.org)

**From:** Katherine M. Weiss [mailto:kweiss@erategroup.com]  
**Sent:** Friday, March 04, 2016 5:10 PM  
**To:** Kharva, Keyur  
**Subject:** Re: App 1043202 - SENECA FAMILY OF AGENCIES - Reminder

Please call me

1a was provided as they verified them in the state system

The remaining information does not have anything to do with Medicaid eligibility

Please call me

Joseph J. Weiss  
E Rate Solutions Group  
Phone - 732.946.8300 Fax - 732.946.8399

[www.erategroup.com](http://www.erategroup.com)



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2015-2016**

March 16, 2016

Katherine Weiss  
Seneca Family Of Agencies  
Erate Solutions Group  
PO Box 460  
Colts Neck, NJ 07722

Re: Applicant Name: SENECA FAMILY OF AGENCIES  
Billed Entity Number: 16068967  
Form 471 Application Number: 1043202  
Funding Request Number(s): 2844362, 2844407, 2844458, 2844373, 2844397,  
2844427, 2844441  
Your Correspondence Dated: December 23, 2015

After review of the information and documentation provided, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's funding commitment decision for the FCC Form 471 Application Number and funding requests number(s) (FRN(s)) referenced above. This letter provides an explanation for USAC's decision. The date of this letter also begins the sixty (60) day time period for appealing this decision. If your Letter of Appeal included more than one FCC Form 471 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2844362, 2844407, 2844458  
Decision on Appeal: **Partially Approved**  
Explanation:

- You indicated on your FCC Form 471 that your discount eligibility is 90%. USAC's review of your application determined that your discount eligibility percentage was not supported by the appropriate documentation. The documentation you provided to support the requested discount during the appeal review is insufficient. You failed to supply documentation to support the requested discount. As a result of this action, the discount of this FCC Form 471 was decreased from 90% to 20% minimum discount percentage.

FRNs 2844362, 2844407 and 2844458 are approved since you certified the associated FCC Form 470. However the discount level for all three FRNs



remains at the minimum 20% since you failed to supply documentation to support the requested discount. Your appeal for FRNs 2844362, 2844407 and 2844458 is therefore partially approved.

- FCC rules provide that the discount available to an applicant is determined by indicators of poverty and high cost. For schools and school districts, the level of poverty is based on the percentage of the student enrollment that is eligible for a free or reduced price lunch under the National School Lunch Program (NSLP) or a federally-approved alternative mechanism. Alternatively, the level of poverty is measured according to participation in Medicaid, Food Stamps, Supplementary Security Income (SSI), Federal Public Housing Assistance or Section 8, or Low Income Home Energy Assistance Program (LIHEAP). *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Red 8776, 9045, FCC 97-157 para. 510, n.1334 (rel. May 8, 1997). Schools and school districts that are participating in the NSLP community eligibility provision (CEP) will use the same approach for determining their E-rate discount rate as they use for determining their NSLP reimbursement rate. Specifically, schools utilizing the CEP shall calculate their student eligibility for free or reduced priced lunches by multiplying the percentage of directly certified students by the CEP national multiplier. *See* In the Matter of Modernizing the E-rate Program for Schools and Libraries, WC Docket No. 13-184, Report and Order and Further Notice of Proposed Rulemaking, FCC 14-99 para. 225 (rel. Jul. 23, 2014). School districts shall divide the total number of students eligible for the NSLP within the school district by the total number of students within the school district to arrive at a percentage of students eligible. Independent charter schools, private schools, and other eligible educational facilities should calculate a single discount percentage rate based on the total number of students under the control of the central administrative agency. *See* 47 C.F.R. sec. 54.505(b)(1). For libraries and library systems, the level of poverty is based on the percentage of the student enrollment that is eligible for a free or reduced price lunch under the national school lunch program or a federally-approved alternative mechanism in the public school district in which they are located. When a library system has branches or outlets in more than one public school district, that library system and all library outlets within that system should use the address of the central outlet or main administrative office to determine which school district the library system is in, and should use that school district's level of poverty to determine its discount rate. *See* 47 C.F.R. sec. 54.505(b)(2). Consortia members shall calculate their discounts by calculating a simple average of the applicable discounts of all consortia member school districts and libraries. *See* 47 C.F.R. sec. 54.505(b)(4). An applicant's discount rate is determined by reference to a matrix based upon the level of poverty and whether the entity is classified as rural or urban as determined by the most recent Bureau of the Census rural-urban classification. "Urban" designation if the entity is located in an urbanized area or urban cluster area with a population equal to or greater than 25,000, while all other entities shall be designated as "rural." Any school district that has a majority of schools in a rural area qualifies for the additional rural discount. *See* 47 C.F.R. sec. 54.505(b)(3)(i)-(ii).



**Funding Request Number(s):** 2844373, 2844397, 2844427, 2844441  
**Decision on Appeal:** **Partially Approved, Funding Denied**  
**Explanation:**

- You indicated on your FCC Form 471 that your discount eligibility is 90%. USAC's review of your application determined that your discount eligibility percentage was not supported by the appropriate documentation. The documentation you provided to support the requested discount during the appeal review is insufficient. You failed to supply documentation to support the requested discount. As a result of this action, the discount of this FCC Form 471 was decreased from 90% to 20% minimum discount percentage.

You certified the FCC Form 470 associated with FRNs 2844373, 2844397, 2844427 and 2844441 that are request for funding for voice services. According to the FCC Order 14-99, all Voice Services are subject to a 20% per year phase down of support beginning in Funding Year 2015. Therefore for these four FRNs, the discount rate of 20% is reduced to 0% and the Voice FRNs were denied. Your appeal for FRNs 2844373, 2844397, 2844427 and 2844441 is there for partially approved with funding denied.

- FCC rules provide that the discount available to an applicant is determined by indicators of poverty and high cost. For schools and school districts, the level of poverty is based on the percentage of the student enrollment that is eligible for a free or reduced price lunch under the National School Lunch Program (NSLP) or a federally-approved alternative mechanism. Alternatively, the level of poverty is measured according to participation in Medicaid, Food Stamps, Supplementary Security Income (SSI), Federal Public Housing Assistance or Section 8, or Low Income Home Energy Assistance Program (LIHEAP). *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9045, FCC 97-157 para. 510, n.1334 (rel. May 8, 1997). Schools and school districts that are participating in the NSLP community eligibility provision (CEP) will use the same approach for determining their E-rate discount rate as they use for determining their NSLP reimbursement rate. Specifically, schools utilizing the CEP shall calculate their student eligibility for free or reduced priced lunches by multiplying the percentage of directly certified students by the CEP national multiplier. *See* In the Matter of Modernizing the E-rate Program for Schools and Libraries, WC Docket No. 13-184, Report and Order and Further Notice of Proposed Rulemaking, FCC 14-99 para. 225 (rel. Jul. 23, 2014). School districts shall divide the total number of students eligible for the NSLP within the school district by the total number of students within the school district to arrive at a percentage of students eligible. Independent charter schools, private schools, and other eligible educational facilities should calculate a single discount percentage rate based on the total number of students under the control of the central administrative agency. *See* 47 C.F.R. sec. 54.505(b)(1). For libraries and library systems, the level of poverty is based on the percentage of the student enrollment that is eligible for a free or reduced price lunch under the national school lunch program or a federally-approved alternative mechanism in the public school district in which they are located. When a library system has branches or

outlets in more than one public school district, that library system and all library outlets within that system should use the address of the central outlet or main administrative office to determine which school district the library system is in, and should use that school district's level of poverty to determine its discount rate. *See* 47 C.F.R. sec. 54.505(b)(2). Consortia members shall calculate their discounts by calculating a simple average of the applicable discounts of all consortia member school districts and libraries. *See* 47 C.F.R. sec. 54.505(b)(4). An applicant's discount rate is determined by reference to a matrix based upon the level of poverty and whether the entity is classified as rural or urban as determined by the most recent Bureau of the Census rural-urban classification. "Urban" designation if the entity is located in an urbanized area or urban cluster area with a population equal to or greater than 25,000, while all other entities shall be designated as "rural." Any school district that has a majority of schools in a rural area qualifies for the additional rural discount. *See* 47 C.F.R. sec. 54.505(b)(3)(i)-(ii).

Since the Administrator's Decision on Appeal modifies funding for your application, USAC will issue a Revised Funding Commitment Decision Letter (RFCDL) to you and to each service provider that will provide the services approved for discounts in this letter. The RFCDL will inform you of the precise dollar value of your approved funding request(s). As you await the RFCDL, you may share this Administrator's Decision on Appeal with the relevant service provider(s).

If the original FCDL approved funding in part for the services covered by this appeal, the 120 day deadline for filing FCC Forms 486 is determined based on the date of the original FCDL that approved funding for the request(s). However, if the original FCDL denied funding for the services covered by this appeal, FCC Forms 486 cannot be filed until you have received your RFCDL.

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at: <http://www.usac.org/sl/about/program-integrity/appeals.aspx>.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company